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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

3

4 UNITED STATES OF AMERICA,) CRIMINAL NO. 19-00099-DKW

5 Plaintiff,) Honolulu, Hawaii

6) January 24, 2024

7 vs.) CONTINUED TESTIMONY OF

8 MICHAEL J. MISKE, JR.,) SEUNG JI ROBERT LEE

)

)

10 PARTIAL TRANSCRIPT OF JURY TRIAL (DAY 11)
BEFORE THE HONORABLE DERRICK K. WATSON,
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

13 For the Plaintiff: MARK INCIONG, ESQ.
14 MICHAEL DAVID NAMMAR, ESQ
15 WILLIAM KE AUPUNI AKINA, ESQ.
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United States District Court
23 300 Ala Moana Boulevard
Honolulu, Hawaii 96850

25 Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

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1 January 24, 2024 8:45 a.m.

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3 (In open court in the presence of the jury:)

08:45AM 4 THE CLERK: Criminal Number 19-00099-DKW-KJM, United
5 States of America versus Defendant (01) Michael J. Miske, Jr.

6 This case has been called for jury trial, Day 11.

7 Counsel, please make your appearances for the record.

08:46AM 8 MR. INCIONG: Good morning, Your Honor. Mark Inciong,
9 Michael Nammar, KeAupuni Akina for the United States. Also
10 present is Special Agent Thomas Palmer and Kari Sherman, our
11 paralegal.

12 THE COURT: Good morning.

08:46AM 13 MR. KENNEDY: Good morning, Your Honor. Michael
14 Kennedy here with Lynn Panagakos, Michael Miske, and Ashley
15 King, who is assisting us. Good morning, everyone.

16 THE COURT: All right. Good morning to your group as
17 well, Mr. Kennedy. You may be seated.

18 Good morning to the 18 persons on our jury. Thank you
19 again for being here in a timely way this morning.

08:46AM 20 I will reorient you. When we adjourned yesterday
21 afternoon, Mr. Lee was being cross-examined by Mr. Kennedy, and
22 we will resume that cross-examination just as soon as
23 Mr. Kennedy is ready to go.

08:46AM 24 Mr. Lee, I will remind you that -- we are not going to
25 readminister the oath that you took at the inception of your

1 testimony, but I will remind you that you are still subject to
2 that oath. Do you understand that?

3 THE WITNESS: Yes.

4 THE COURT: All right. Mr. Kennedy, when you're
08:46AM 5 ready.

6 MR. KENNEDY: Thank you, Your Honor.

7 SEUNG JI ROBERT LEE,

8 (Having been previously sworn, resumed the stand.)

9 RESUMED CROSS-EXAMINATION

08:46AM 10 BY MR. KENNEDY:

11 Q Sir, I mentioned yesterday when we cut off that I had just
12 about ten minutes or so of questions this morning. So I'll
13 keep it to that.

14 I want to -- go back just to reorient us. During the
08:47AM 15 event that you went through, I understand that at a certain
16 point in time the words that were spoken by the folks who were
17 kidnapping you led you to believe that Mr. Kim was behind this,
18 correct?

19 A Yes.

08:47AM 20 Q And I believe that also they knew the location of your
21 condominium where you lived.

22 A Can you repeat it?

23 Q Yes. I believe that during it, you mentioned when you
24 spoke with the FBI that these folks knew where you lived, your
08:47AM 25 condo.

1 A Oh, you mean who -- who knew?

2 Q James and the other kidnapper.

3 A I'm not sure whether they -- I told them where I lived.

4 Q Oh, okay. That was something you told them. They didn't

08:48AM 5 have that information; is that correct?

6 A I'm not sure about that.

7 Q Okay. You're not sure. It was they may have, they may
8 not, but you told them that.

9 A Right.

08:48AM 10 Q All right.

11 A They asked me, yes.

12 Q Because if I understand, you also mentioned, Hey, we don't
13 have any equity, we don't have any money in that place, I just
14 don't have any money, right?

08:48AM 15 A Right.

16 Q And so you were just trying to -- just tell them that you
17 deposited \$5,000, and that's it, you had lost everything.

18 A Yes.

19 Q All right. Now, during that time you also said yesterday
08:48AM 20 that even up until, I believe, May or June or the summer months
21 of 2007, Mr. Kim was still coming around to you.

22 A 2017.

23 Q 2017, yes.

24 A I believe so.

08:49AM 25 Q Okay. So this continued threat by Mr. Kim made it all the

1 way into -- sometime in the summer of 2017.

2 A That's correct.

3 Q All right. Now, to take us back a little bit after this
4 horrific event ended, you flew to Los Angeles, you came back to
08:49AM 5 Honolulu, and then it was about a year later that the FBI
6 reached out to you?

7 A Probably around two, three -- maybe three years later.

8 Q Okay. Do you remember an interview that may have happened
9 in October of 2018? I -- I'm asking you about things that
08:49AM 10 happened six, seven years ago. Do you recall that?

11 A No, there wasn't anything happen after I had interview
12 with detective in 2017. And I guess the second was -- came
13 somewhere around 2020, I believe.

14 Q Okay.

08:50AM 15 MR. KENNEDY: Your Honor, may I just approach with a
16 document that is labeled -- just marked 9173-003?

17 THE COURT: Yes.

18 MR. KENNEDY: I'll show it to the government first.
19 May I approach. Your Honor?

08:50AM 20 THE COURT: Yes, you may.

21 BY MR. KENNEDY:

22 Q Sir, I'm showing you what's been marked for identification
23 as Exhibit 9173-003. Can you take a look at just the bottom
24 area here just to orient you to a date. If you can take a look
08:51AM 25 at that, sir.

1 A 2018, it's one year after the incident. I don't think --
2 I don't think I had -- I don't remember.

3 Q Okay. And I believe --

4 MR. KENNEDY: If we could pull up, I believe it's
08:51AM 5 9173-006.

6 And this is not for the jury, just for --

7 BY MR. KENNEDY:

8 Q Sir, can you take a look at 9173-006. Take a look at it
9 on the front page, and tell me what you're able to see what's
08:52AM 10 on the first page, and then I'll move to the second page.

11 A That -- that's my signature, yes.

12 MR. KENNEDY: Okay. And if we -- Ms. King, can we
13 move to the second page.

14 BY MR. KENNEDY:

08:52AM 15 Q And do you recall a -- this page having been shown to you
16 at that date?

17 A I don't remember.

18 Q Okay. Do you remember at a certain point the task force
19 officer from Honolulu Police Department and the FBI showed you
08:52AM 20 a -- photographs, three on the top, three on the bottom, of
21 folks and asked you whether you could recognize someone in the
22 photograph as one of the folks who kidnapped you?

23 A I don't remember too good, but it might, yes.

24 MR. KENNEDY: Okay. And then if we move to the third
08:53AM 25 page.

1 BY MR. KENNEDY:

2 Q All right. And then this would have been not shown to
3 you. Let me move then to 9173-007, and just take a look at
4 that, sir.

08:53AM 5 Does that look again like your signature?

6 A It's my signature, yes.

7 Q Okay.

8 A And probably -- yeah. Probably 2018 is probably right,
9 yeah.

08:54AM 10 Q Now, sir, you talked about when you went back and
11 interviewed, and in retelling these events you collapsed at
12 that certain time. So obviously viewing this and going back to
13 these events is difficult.

14 A Well, I collapsed while the HPD detective was interviewing
08:54AM 15 me. It was end of October of 2017.

16 Q Right. And so if we look at the second page of what's
17 been marked as 9173, do you remember when they showed you an
18 array, just three photographs on the top, three photographs on
19 the bottom, and said, Can you take a look at that and see

08:54AM 20 the -- if you see a person in there who is the individual who
21 did this to you?

22 A I -- I'm not sure. I don't remember.

23 Q Okay. And if we move to the third page.

24 All right. Now, you recognize that that's your
08:55AM 25 signature on the first page?

1 A Yes.

2 Q If we go back to 9173-007.

3 A It is my signature.

4 Q And it's on October 4th, 2018?

08:55AM 5 A That might be, yeah, 2018.

6 Q And if we go back to 9173-006, just the first page, do you
7 recognize that as the photographic lineup on October 4th of
8 2018 and your signature?

9 A That's my signature, yes.

08:55AM 10 MR. INCIONG: Objection, Your Honor. He did not say
11 he recalled the lineup. He said he recalled his signature.

12 BY MR. KENNEDY:

13 Q You recall the signature?

14 THE COURT: Sustained.

08:55AM 15 THE WITNESS: Yeah, it's the same.

16 BY MR. KENNEDY:

17 Q Okay. And as you view this right now, you recognize your
18 signature on the first page, but you just don't recall the
19 photographs being shown to you at that time.

08:56AM 20 A It -- they might show me, but I -- it's not clear, yes.

21 Q All right.

22 MR. KENNEDY: Your Honor, with that I would move in
23 9173-006 and 9173-007 as past recollection. He doesn't recall
24 it now, but he recognizes that it's his signature on the two

08:56AM 25 photographic lineups.

1 THE COURT: Mr. Inciong, any objection?

2 MR. INCIONG: Objection, Your Honor, that he only
3 recognizes part of that exhibit.

4 THE COURT: Sustained. Those documents will not be
08:56AM 5 admitted.

6 MR. KENNEDY: All right.

7 BY MR. KENNEDY:

8 Q Now, sir, you talked yesterday about how you gave a
9 photograph of Mr. Kim to the Honolulu Police Department,
08:57AM 10 correct?

11 A Yes.

12 Q And that you wanted him to be held responsible for what
13 you knew he had done to you.

14 A Yes.

08:57AM 15 Q And so you were reaching out to them to help you get him
16 for what he did, right?

17 A Yes.

18 Q Now -- and it was up to them, the authorities, to hold him
19 responsible. You did your part, right?

08:57AM 20 A I tried to give as much information as I could.

21 Q All right. Now, before I finish up, I just want to -- if
22 we go back to the old Fisherman's Wharf, when James brought you
23 over to the car, you were placed in that sedan, correct?

24 A Right.

08:57AM 25 Q James was sitting back in the back seat with you, right?

1 A That's correct.

2 Q You were right behind the driver, correct?

3 A Yes.

4 Q He was to your right.

08:58AM 5 A Right.

6 Q The driver was in the front.

7 A Yes.

8 Q They drove you around for all those hours, right?

9 A Yes.

08:58AM 10 Q And only at one time did James get out of the car and
11 leave you in that car, correct?

12 A Probably he has door open, yeah. Although he step out,
13 probably he was looking at me, yeah. He was always -- always
14 try to be watching me, yeah. I feel that, yeah.

08:58AM 15 Q You sensed that his eyes were always on you.

16 A That's correct.

17 Q And the only time you ever left that back seat behind that
18 driver was when they brought you back to the old Fisherman's
19 Wharf area and took you to your car, correct?

08:59AM 20 A That's correct.

21 Q Never did you get out of that car --

22 A No.

23 Q -- until they finally freed you, right?

24 A Right.

08:59AM 25 MR. KENNEDY: Nothing further, Your Honor.

1 THE COURT: Any redirect?

2 MR. INCIONG: No, Your Honor.

3 THE COURT: All right. Mr. Lee, you may step down.

4 THE WITNESS: Thank you.

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1 COURT REPORTER'S CERTIFICATE

2 I, Gloria T. Bediamol, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. §753 the foregoing is a complete,
5 true, and correct transcript from the stenographically reported
6 proceedings held in the above-entitled matter and that the
7 transcript page format is in conformance with the regulations
8 of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, July 4, 2024.

11

12

13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

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